

Message Text

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E.O. 11652: N/A

TAGS: ICJ (INTERNATIONAL COURT OF JUSTICE), UN

SUBJECT: ICJ ADVISORY OPINION ON APPLICATION FOR REVIEW OF JUDGMENT

NO. 158 OF UN ADMINISTRATIVE TRIBUNAL (FASLA CASE)

1. SUMMARY: ON JULY 12 ICJ DELIVERED ADVISORY OPINION ON FASLA CASE, IN WHICH IT:

(A) DECIDED UN ADMINISTRATIVE PANEL HAD NOT FAILED TO EXERCISE JURISDICTION VESTED IN IT, AND

(B) ADMINISTRATIVE TRIBUNAL HAD NOT COMMITTED FUNDAMENTAL ERROR IN PROCEDURE WHICH HAD OCCASIONED FAILURE OF JUSTICE.
END SUMMARY.

2. ICJ DELIVERED ADVISORY OPINION ON FASLA CASE JULY 12, 1973. OPINION HAD BEEN REQUESTED BY UN SECRETARY GENERAL IN LETTER TO COURT ON JUNE 28, 1972. SECRETARY GENERAL'S REQUESTS HAD BEEN BASED ON ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL FOR APPLICATION OF REVIEW OF ADMINISTRATIVE TRIBUNAL JUDGMENT NO. 158, DELIVERED AT GENEVA APRIL 28, 1972. COMMITTEE REQUESTED OPINION OF ICJ ON:

(A) WHETHER TRIBUNAL FAILED TO EXERCISE JURISDICTION VESTED IN IT AS CONTENTED BY FASLA, AND

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(B) WHETHER TRIBUNAL COMMITTED FUNDAMENTAL ERROR IN PROCEDURE

WHICH OCCASIONED FAILURE OF JUSTICE.

3. COURT VOTED 10-3 TO COMPLY WITH REQUEST. IT VOTED 9-4 THAT ADMINISTRATIVE TRIBUNAL HAD NOT FAILED TO EXERCISE PROPER JURISDICTION AND 10-3 THAT ADMINISTRATIVE TRIBUNAL HAD NOT COMMITTED FUNDAMENTAL ERROR IN PROCEDURE RESULTING IN FAILURE OF JUSTICE. COURT ALSO DECLARED THERE WAS NO NEED FOR IT TO PRONOUNCE ON FASLA'S REQUEST FOR COSTS OF REVIEW PROCEEDINGS BUT OBSERVED THAT WHEN COMMITTEE FOUND THERE SUBSTANTIAL BASIS FOR APPLICATION, IT WAS UNDESIRABLE THAT COSTS SHOULD BE BORNE BY STAFF MEMBER. FULL TEXT OF ADVISORY OPINION WILL BE POUCHED ADDRESSEES.
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